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THE RELATION OF THE LITERACY TEST TO A CONSTRUCTIVE IMMIGRATION PROBLEM

I

An immigration bill which contains, first, a codification of existing immigration laws, second, provision for the literacy test, and third, certain other additions to our present statutes regulating immigration, was introduced in the House of Representatives on January 29, 1916, by Congressman Burnett. On March 30 the bill, which is known as the Burnett Immigration bill, passed the House by a vote of 308 to 87. It is now pending before the Senate. This bill represents another attempt to enact into law practically the same measure which was vetoed in 1913 after it had passed both houses of Congress. At that time it failed by a scant margin to muster the two-thirds vote in the Senate which would have made it a law in spite of the President's veto.

In his veto of the bill of 1913, President Wilson apparently regarded the literacy test as the overshadowing issue presented by the bill, and he based his objections to the entire measure chiefly upon his objections to the literacy test. Similarly, in the debates in Congress and in popular discussion throughout the country the other features of the proposed legislation of 1913 attracted scarcely a passing comment. The present bill is considered in the same light. A literacy clause similar to that of 1913, with the added provision that the literacy requirement shall not apply to aliens who are seeking admission to the United States to avoid religious persecution, is the storm center of the present Burnett bill.

The problem of the further regulation of European immigration to this country has been a political question for at least twenty-five years, and throughout the greater part of that period it has been commonly discussed in connection with one single method of solution, the literacy test. Since the enactment of laws, in 1882 and the decade following, barring aliens who were undesirable because of certain physical, mental, or moral defects, no important

legislation tending to improve the quality of immigration has been adopted by Congress. The tests imposed by the immigration laws now in force are primarily selective in character; such undoubted evils as insanity, pauperism, immorality, and criminality fall directly under their condemnation. The Burnett Immigration bill proposes to add to the classes already excluded "persons of constitutional psychopathic inferiority, persons with chronic alcoholism," and "vagrants." The wisdom of such measures is clear and unmistakable, but the path of progress in securing a still better quality of immigrants than can be secured by the application of these direct tests of quality is not so clear. After having specifically provided against those characteristics in our immigration which are obviously bad *per se*, it now remains for us to consider means of selection which involve the rejection of qualities in our immigration which may not be evils in themselves, but only rough indices of the presence of other qualities which are undesirable.

Of the indirect methods that have been suggested for the purpose of keeping out still more of the aliens who are believed to be undesirable, the literacy test is the one most frequently recommended. It bars directly the immigrants who lack the educational training which is deemed of great importance in America, and incidentally strikes at more pronounced evils which are asserted to follow in the train of illiteracy. It is argued that the illiterate immigrant is a menace to our institutions, not only because he cannot read, but also because he is as a rule inferior in other respects as well; it is alleged that he contributes more to our problems of crime, pauperism, and degeneracy after his arrival than the man who can read, that he is potentially more dangerous to the United States and less susceptible to Americanizing influences than his literate brother. According to this view, the literacy test would strengthen our established policy of excluding undesirable classes, because it would exclude men whose dangerous qualities lie beneath the surface and are consequently not detected by the direct tests of unfitness.

Another kind of selective argument in favor of the literacy test has been based on the change in the character of European immigration which took place in the eighties. Prior to 1885 the greater

part of our immigration came from the north and west of Europe, from countries whose institutions are closely related to our own and whose peoples belong to substantially the same racial stock as the early settlers of this country. Since 1885 the immigrant stream from the older sources has been rapidly diminishing in volume, and in its place has come "the new immigration" from the south and east of Europe in even greater numbers than the "old immigration." The consensus of opinion seems to be that this new immigration is far less desirable than the old, because of its lower standards of living, industrial backwardness, lack of sympathy with our type of institutions, and its marked differences from our predominant stock in religion, race, literacy, and industrial training. It is pointed out that the literacy test would discriminate against these less desirable peoples, because if it had been applied during the ten years from 1899 to 1909, it would have excluded 35.6 per cent of the new immigration as contrasted with 2.7 per cent of the old immigration. The literacy test would therefore enable the United States to secure relatively more of the industrially advanced races and relatively less of the backward races.

Notwithstanding the earnestness with which the qualitative aspect of the literacy test has been emphasized, it is altogether unlikely that these selective arguments alone could have advanced the literacy test to the commanding position in the public favor that it occupies today. The relationship between illiteracy and crime and pauperism is not sufficiently convincing to enable the literacy test to win national approval without the assistance of another favorable circumstance. This supporting argument is to be found in the apparent need for the restriction of the volume of immigration.

Within the last few decades, changed economic conditions have brought us face to face with the grave dangers of continuing our open-door policy in regard to immigration, even though the character of that immigration be not undesirable. The disappearance of the frontier, the cry for the conservation of natural resources, the problems incident to overcrowding in our cities, and the industrial unrest that is expressing itself in the agitation for the single tax and the minimum wage, have forced our attention to the fact

that all too soon we have reached the stage of economic maturity. The warning note has been sounded; on every hand there is evidence that our resources have already been stretched far by our immigrant-augmented population. With the weakening of our capacity to provide for more immigrants, the peoples from the south and east of Europe have crowded to our shores in ever-increasing throngs; they have filled our cities with the babel of foreign tongues, and by their very numbers alone have added confusion and discord to our national councils. The annual immigration to this country increased from 229,299 in 1898 to the high-water mark of 1,285,347 in 1907.¹ After the setback due to the panic of 1907, the volume of immigration again mounted upward until it had increased to 1,218,480 for the year ending June 30, 1914. Shortly after the beginning of the next fiscal year, the European war intervened to check the ordinary flow of immigration. To prevent the further impairment of our resources and the overburdening of our assimilating agencies that is threatened by the possible resumption of the normal rate of immigration after the war, some method of restricting the volume of immigration would seem to be necessary.

Public sentiment is by no means agreed, however, on the wisdom of a straightforward policy of restriction of immigration. There is a strong tendency in many quarters in favor of avoiding an open break with our traditional policy of non-restriction. Although in fact we have already set precedents for the reduction in the volume of immigration by the Chinese exclusion acts and the restrictive agreement with the Japanese government, these measures were not regarded as general methods of restriction but as special legislation against a race that is radically different from our dominant national stock. It is indeed true that the great movement of European immigration in recent years has occasioned much genuine alarm. Labor leaders see a menace to American standards of living, and statesmen fear that the saturation-point of our melting-pot has been reached, and that the coming of so many more to be assimilated each year will break down an assimilating capacity that is already overtaxed. It is not an exaggeration

¹ *Statistical Abstract of the United States*, 1914, p. 679.

to say that the opinion in favor of the restriction of the volume of immigration has been rapidly gaining ground. There is still a very large and substantial opposition, however, to any limitation on the number of aliens who are allowed to enter this country. The industrial managers see a perpetual blessing in a mobile labor supply that is unlimited in numbers, and joined with them are the people of the far western states to whom increased population signifies prosperity in the form of higher land values, more and larger manufacturing plants, and more and larger cities. The peace advocate and the high-minded idealist who see in international solidarity and universal amalgamation the hope of a permanent world peace, unite in decrying restriction of immigration for selfish national preservation, and in sympathy with them is our traditional American policy which is based on the assumption that the door of America is open to the persecuted of all nations.

The literacy test is admirably adapted for temporizing with just such a situation that involves conflicting interests. The radical step from a policy of non-restriction of immigration to one of undoubtedly restriction is effected through its agency so adroitly that many are not aware of the fact that the gap has been bridged. The literacy test counts among its advocates both friends and foes of the restriction of the volume of immigration, and it has won these two radically different types of adherents by a two-edged argument. To the anti-restrictionist, who believes that there is room and opportunity in this country for millions of immigrants in excess of the actual numbers who now come to the United States, the appeal is made that the literacy test is primarily a selective measure and that its restrictive effect is incidental to its far more important function of keeping out the unfit. To gain the votes of those who believe that some restriction of the number of immigrants is necessary, the emphasis is shifted; the fact that the illiterate immigrant is a menace because of his illiteracy is now subordinated to the fact that the number of the illiterates is so large that their exclusion would appreciably lessen the total volume of immigration. It is true that the qualitative virtues of the literacy test are not discarded entirely, but they are used merely as make-weights to tip the scales in favor of the literacy test when it is

compared with other methods of restriction which claim no selective merit whatever.

In view of the ostensible all-around ability of the literacy test, it is perhaps not so surprising that it has claimed the attention of the nation as the best single means of completing our immigration policy. Although other measures designed with special reference to some particular problem of immigration have been frequently agitated, the very characteristic of these proposals which fitted them especially for one particular need unfitted them altogether for many others, and consequently narrowed their zone of influence. The literacy test, which has some bearing on practically all phases of the immigration problem, has been able to secure the consistent support of Congress, because of the wide variety of interests to which it has appealed. It has been further strengthened by the constant rehearsing of its merits in Congress and in economic and popular writings. The long campaign in its behalf seems to have given it a certain prestige and momentum, which its opponents are finding harder to resist with each successive appearance of the literacy bill before Congress. The fact that three presidents have vetoed the reading test does not seem to have shaken the confidence of its advocates; its friends point with pride to the increasing majorities in its favor in its latest trials in Senate and House; and since the motion to strike the literacy provision from the Burnett Immigration bill was defeated by a vote of 107 to 284, the two-thirds majority in both houses that will probably be necessary to insure its final victory is now being predicted.

The literacy test, moreover, is fortified against presidential veto by the other excellent features which the Burnett bill contains. In order to reject the literacy test the President must also reject provisions which twenty congressmen who are opposed to the literacy test have considered of sufficient importance to be worth securing at the cost of the undesirable literacy test.

It is necessary to consider the literacy test as an independent proposal if its separate importance is to be evaluated. The literacy test is the determining factor in the judgment that is passed upon the present immigration bill. Those who have a strong repugnance for the literacy test probably will not see enough other good fea-

tures in the Burnett bill to neutralize their objections, while the advocates of the literacy test will undoubtedly find no features sufficiently objectionable to warrant their rejection of a bill containing their pet measure. The people who take a neutral attitude toward the literacy test would probably favor the Burnett bill because of its other sound provisions. The literacy test, in its two aspects of selection and restriction, thus remains the chief issue that is involved in the Burnett Immigration bill.

There is a danger that our familiarity with the literacy test will lead to our conceiving of it as a tried principle. Although it is as near to being an American tradition as perhaps any measure which has not received the sanction of law can be, our too-ready acceptance of it has probably been due to the lack of any consistent opposition and to the lack of any alternative remedy which would accomplish more directly and effectively the same purpose for which the literacy test is designed. It should not be a question of whether it is better to have the literacy test as an addition to our present immigration system rather than no addition at all, but whether the nation prefers the literacy test to some other test, or series of tests, which might be regarded as possible substitutes.

At a time when the European war has momentarily halted the pressure of immigration, we have occasion to reflect upon a possible choice of means of restricting immigration. In fact, before there can be any thoroughly intelligent action in regard to immigration, we must decide what issues are to be paramount. There must be a balancing of motives. Is literacy so important that it must be secured at the cost of industrial progress, or is industrial progress to be considered of more significance? Are we chiefly concerned in the evolution of a homogeneous American type, to which all commercial interests are to be subordinated? Is our policy to be "America for the Americans" or "Americans for America"? It is not my purpose to attempt to suggest the answer to the most difficult of all questions, namely, What kind of civilization are we trying to build when we regulate immigration? Whatever action is taken, however, will indicate a certain conception of an ideal American society, and will have for its purpose the development of some particular kind of society. The various purposes which might

control immigration legislation may be suggested and modes of controlling immigration in keeping with those purposes brought before the reader's attention. It will be convenient to divide the kinds of purposes into two classes, the one emphasizing the side of restriction and the other the side of selection. First, let us consider just what these purposes are and how the literacy test would attempt to bring about their realization.

II

Generally speaking, there are two main objects to be sought by restriction of immigration: one is economic, the other social. The number of immigrants to be excluded varies according to which purpose is uppermost. If we consider, first, restriction for economic reasons, an ideal method of restriction should obviously restrict in exact accordance with our industrial demands. What is a proper restriction for economic reasons, however, may be an entirely improper restriction from the viewpoint of our capacity to assimilate the immigrant. Each purpose must therefore be treated separately.

In the past we have always assumed with a large measure of correctness that European immigration would adjust itself to our economic needs without any specific regulation; but today events utterly beyond our national control are damming up the sources of European immigration without any reference to our national desires. Without any considerable financial depression in this country, and with a consequent undiminished demand for unskilled labor, the net increase of population by immigration has declined from 769,276 in 1914 to 50,070 in 1915.¹ Such contingencies show that the amount of restriction needed is subject to wide variation. The literacy test, however, makes no allowance for these fluctuations. In times of panic or in times of prosperity it bars the man who cannot read. It would cut off the illiterates, who composed at least 26 per cent of the total immigration in the decade from 1899 to 1909,² although every immigrant might be badly needed here. Of course, the proportion of illiterates probably varies somewhat

¹ U. S. Department of Labor, *Immigration Bulletin* for December, 1915 (for year ending June 30).

² Jenks and Lauck, *op. cit.*, 1912, p. 33.

with any change in the volume or composition of our immigration; and it would manifestly vary rapidly if there was any pronounced growth or decline of compulsory education in Europe. Since these variations, however, would coincide with the variations in our industrial needs only by the slightest chance, they may properly be ignored in the consideration of the adaptability of the literacy test to our economic demands. Suppose, for the sake of illustrating this point, that the illiterates maintain the same relative proportion in the immigration stream and that this arbitrary unvarying proportion is 25 per cent of the total. Then the literacy test would operate with far greater severity when immigration is at rock bottom because of a European war than it would when immigration is at high tide because of hard times in Europe. Suppose that the annual demand for additional unskilled laborers in this country at the prevailing wage may be represented by the number 500,000, and that no change in this demand occurs. Let us assume that in 1917, 400,000 immigrants apply for admission, and that in 1918 this number suddenly increases to 1,200,000 as a result of the signing of a treaty of peace in Europe. In 1917, the literacy test would bar 100,000 immigrants, although every one of the 400,000 who applied could be employed in industry. The imposition of a restrictive measure as stringent as this might be justified as a means of raising the wages of unskilled laborers, but it should be noted that the occasion for this restriction is not so great in 1917 as it would be in 1918. In the latter year the literacy test excludes 300,000 of the 1,200,000 immigrants who come to this country, but it is now far too lax if the purpose be to restrict in accordance with our economic demand for labor. Since only 500,000 are wanted, and 900,000 are admitted, there is still a surplus of 400,000 immigrants for whom there is no economic need in this country at the prevailing wage. An unvarying means of restriction applied to a varying flow of immigration is thus prone to be far too lax in one year and far too severe in another. This criticism, of course, applies to the literacy test only in its rôle of a restrictive measure; for if the object is selection and the immigrants excluded are undesirable *per se*, it may be urged that restriction is only incidental to keeping detrimental persons out of the United States.

If the literacy test fails to restrict exactly in accordance with our economic demands, does it meet the requirements of restriction for the purpose of securing assimilation of the immigrants who are admitted? To a certain extent the literacy test, by the mere fact that it cuts down numbers, aids in assimilation, because it relieves the great pressure on the agencies which are now engaged in the work of Americanizing the immigrant. When a constant stream from Europe adds itself to the unassimilated and half-assimilated already here at a rate faster than our ability to make them over into American citizens, a cumulative burden is created which becomes more and more insupportable. Any means of restriction, even the lull in the immigration movement that followed the European war, gives us time to take care of the undissolved elements already here, and to provide a stronger solvent for the future. In this respect, however, the literacy test is not necessarily superior to any other method of restriction which would secure the same gross reduction in numbers.

Although the chief point in favor of the literacy test in the minds of students of the immigration problem has been its power to restrict numbers,¹ the selective aspects of the literacy test have received great attention and have furnished the basis for much specious argument. Directly, the literacy test bars the illiterate. That is its obvious purpose. To the extent that illiteracy is a menace to a democracy, the literacy test would meet an evil for which it was designed. Although we do not require all of our voters to be literate, and are not entirely consistent in our attitude, yet it is safe to conclude from our emphasis upon compulsory education that we do place elementary education in a high position in our scheme of national values. Why is it not then reasonable to require of the alien, who seeks admission to this country, that which we require of our own children? If the possession of the ability to read in some language is an accomplishment so necessary that its acquisition is essential to the existence of the immigrant after his arrival, we might be justified in taking this stand. The fact, however, that we do not require by the literacy test the ability

¹ Cf. Jenks and Lauck, *The Immigration Problem*, 3d ed., p. 373; cf. also Fairchild, *Immigration*, p. 200.

to read English, but only the ability to read in some recognized language or dialect shows that such was not our main purpose. Ability to read and write in English is undoubtedly of the greatest benefit in assisting an immigrant to secure a job at American standards of wages and in hastening his assimilation. Ability to read and write some other language may assist an immigrant to earn a living in a colony of his own people; it may enable him to read the factory danger signals that happen to be printed in his own language; but its economic importance to the average immigrant is slight. Whatever value it may have to the immigrant in other ways, as an agency of social intercourse with fellow-countrymen and as a means of keeping alive the associations of the home country, it is a distinct detriment from the viewpoint of our national needs, which involve the assimilation of the immigrant through contact with Americans. Perhaps our real purpose in testing an immigrant for literacy is not so much to ascertain whether he has received the specific training that will be necessary for his welfare in this country as it is to determine his general mental status. If we view the literacy test as a method of affording an insight into the innate character and fitness of an immigrant, we must be careful to avoid the erroneous result that would be reached by judging the immigrant's ability by new and unaccustomed American standards, to which he has had no opportunity to conform. Our standards for appraising the general intelligence of the individual immigrant must take account of the immigrant's home environment, particularly the opportunity which his native country afforded him in the way of securing an education, and the value which his neighbors and his home country placed upon education, because it is around these conditions that the immigrant's habits of thinking and his standards of conduct were formed.

Measured by such standards, the case for the illiterate immigrant is far from hopeless. Few of the countries in the south or east of Europe, from which the majority of the illiterates come, had until very recently provided adequate school facilities even in the elementary branches. Illiteracy is not a badge of reproach for the man who comes from a country where no free elementary schools exist. Yet Italy did not take any adequate steps to make

its compulsory education law of 1859 effective until 1906,¹ and the compulsory educational law of Greece, passed in 1834, was a dead letter for seventy years because of the lack of schools. In the case of the Russian Jew, the Pole, and certain nationalities in Austria-Hungary and the Balkan states, illiteracy is a positive virtue. In Russia, where the dominant race controls the school system for the purpose of eradicating the semblance of nationality of the Poles, it was for some time made a penal offense, punishable in some cases by exile to Siberia, for a Pole to use his native language in formal documents. Only the language of the oppressor is taught in the schools. Is the refusal of persons to go to school any discredit when the avowed object of the schools is to destroy their nationality? Illiteracy in the case of the immigrant from Southeastern Europe indicates merely the lack of opportunity or the presence of political oppression and not the lack of intelligence. Literacy itself may be detrimental. The hyphenated American is literate, and he has used as a tool to encourage divided patriotism the very quality which the literacy test fosters.

In support of the selective merit of the literacy test, it is urged that illiteracy, besides being undesirable in itself, is an index of undesirable attributes which commonly associate with illiteracy, such as crime, pauperism, and degeneracy. This charge is founded less upon carefully tested statistics than upon sentiment. The Immigration Commission did not discover any basis for substantiating this charge against the illiterate immigrant.

One further selective argument in favor of the literacy test remains to be considered, namely, its efficacy in discriminating against certain undesirable nationalities from Southeastern Europe, which it is charged are more difficult to assimilate to our national life than are other nationalities. If this charge be true, the literacy test to a certain extent accomplishes the right result, for it certainly would reduce the proportion which the "new immigration" bears to the total immigration. If the immigrants from Southeastern Europe, however, are undesirable because of their race or nationality, it might be urged that strict logic would require the exclusion of all who possess the undesirable attribute of race, re-

¹ *Report of the United States Commissioner of Education* (1912), I, 560.

gardless of whether they happen to be literate or illiterate. Although the literacy test is only a half-way measure in respect to racial selection, still it must be conceded that it would do much to relieve the difficulties of assimilation by eliminating chiefly from the elements which are especially hard to assimilate.

III

This analysis has touched upon the various objects sought by immigration legislation which will be more or less effectively secured by the adoption of the literacy test, and it has shown that when the literacy test is advocated as a jack of all trades, it is master of none. The literacy test which is a part of the present Burnett Immigration bill, however, is not intended as a panacea for all of the ills of immigration. The fact that the bill contains other means for providing against specific evils which are incidentally touched upon by the literacy test makes it fairly apparent that the reading test alone was not considered sufficient to satisfy the demand for additional legislation to regulate immigration. To ascertain the intended province of the literacy test, it is perhaps necessary to consider what immigration requirements are still unprovided for after these other features of the bill have been enumerated. If we grant, for the sake of the argument, that all the ends which the literacy test will meet directly or indirectly are desirable, we might ask ourselves how each different task might be accomplished by a specialist who would devote his time to nothing else but the perfection of a method of solving each specific problem in the most direct, practical, and efficient way. Some of these special methods are provided for by the present immigration bill, and others have been suggested by specialists in the field to which the particular problem of immigration is most intimately related. An immigration program as thus constructed by specialists would represent an ideal standard of efficiency, to which the results secured by the Burnett Immigration bill might be compared. To the extent that there is a lack of correspondence between the theoretical immigration program and the bill, it will be interesting to note how effectively the deficiency is supplied by the literacy test.

A sound immigration policy should, at the very outset, comprise every possible means for excluding immigrants who possess evil qualities which may be traced to individuals and detected by examination. The authors of the present bill have recognized this very first requisite, and they have proposed measures for supplementing and for securing a still more efficient enforcement of our present selective laws. "Persons with chronic alcoholism" and "vagrants" are among the contemplated additions to our excluded classes. The Hindus, who are undesirable in common with other oriental races because of their low standard of living, also fall under the ban of this bill.¹ The most important of the positive contributions made by the pending measure, however, is the provision barring "persons of constitutional psychopathic inferiority," and the means provided to make that provision effective.

Until a few years ago, the work of detecting feeble-minded persons in the stream of immigrants which passed through Ellis Island was placed entirely in the hands of physicians who, without any psychopathic test at their command, were able to exclude only the most obvious cases of imbecility. An examination of the accuracy of the methods employed at Ellis Island to detect feeble-mindedness was made by Dr. Henry H. Goddard, the noted psychologist of Vineland Institute, New Jersey, for a year beginning in May, 1912. He used the Binet-Simon intelligence tests in his investigation. The results of one week's examination in May, 1912, have been made public.² The observations for the last day of this typical week disclosed the appalling fact that although 72 of the 1,260

¹In a blanket clause, which bars all persons who cannot qualify to become citizens of the United States by naturalization, the bill also provides the means for the permanent exclusion of the Japanese when the present "gentleman's agreement" which has hitherto been effectively maintained by Japan shall for any reason cease to operate. The Japanese government has already lodged a protest against this provision on the ground that the passing by the United States of any act tending to exclude the Japanese indicates our lack of faith in Japan's intention and ability to enforce the friendly agreement for accomplishing the same result. To avoid a serious diplomatic controversy at this time, it is possible that this provision will be stricken from the pending bill. The contingency provided against is rather remote, and as long as the results of the present method of handling the situation with the co-operation of Japan are entirely satisfactory both to the United States and Japan it would seem unwise to provoke antagonism needlessly by crossing our bridges before we come to them.

² Henry H. Goddard, in *Training School*, IX (1912-13), 109-13.

immigrants passing through Ellis Island on that day were found to be mentally defective, the inspection officials with the use of their ordinary methods actually picked out only 8 immigrants as feeble-minded or approximately only 10 per cent of the full number. Since then the physicians in charge of the examination of the mentality of immigrants have adopted a modified form of the Binet-Simon tests with the result that they have greatly improved the accuracy of their work.

The provision of the Burnett Immigration bill which excludes "persons of constitutional psychopathic inferiority" and which further provides that the physicians who examine aliens for mental defects shall "have had especial training in the diagnosis of insanity and mental defect" was probably framed in view of this experience. The definition of the new class of undesirable immigrants seems to be admirably calculated to bar from this country the aliens who, while not actually feeble-minded, are near the border line of feeble-mindedness. It makes possible the extension of the prohibition against persons who are mentally deficient to include the doubtful class which has hitherto been admitted. It virtually shifts the burden of proof in the case of the immigrant whose mental status may be diagnosed as suspicious upon the immigrant himself by requiring him to introduce before the Board of Health surgeons affirmative evidence as to his mental soundness.

If the Burnett Immigration bill becomes a law, it is probable that the Binet-Simon test or some modified form of it will be used for the diagnosis of mental defect. It has also, as a result of that experience, been applied to immigration successfully, and it has undoubtedly been more or less adapted to the needs of the examination of immigrants. The improvement and the final perfection of a method are perhaps in no field so dependent upon continued observation and actual application to the class of cases for which the test is designed as in experimental psychology. However, the general principles of the Binet-Simon test, as at present developed, may be discussed to illustrate its bearing upon the detection of feeble-minded types in our immigration.

The Binet-Simon test is a method that is being widely used today in the field of education for the purpose of measuring a

child's innate capacity, apart from the training he has received at school. It gauges fundamental intelligence by testing ability to repeat numbers, keenness of observation, native ingenuity, ability to point out the logical absurdities in oral test questions, and many other similar tests. The tests are all of such a character that they may be answered by children who have had no school training whatever. The Binet-Simon test is not a single test for all ages, like the literacy test, but a series of tests arranged on a graded scale. Each grade on the scale corresponds to a particular set of mental tasks which a normal child of a certain age can just perform. For instance a normal child of ten years can pass the majority of the questions in the Binet test for ten years, but not those for eleven years. Of course, it may happen that a child is more developed in some capacities than in others. A ten-year-old child may fail in some eight-year-old tests, and pass others in the twelve-year-old scale. In this case, the child receives full credit for each successive grade in which he answers most of the questions. If he answers a few questions in the higher grades, he receives extra credit. For instance, if a ten-year-old boy passes the majority of the tests for ten years, half of the tests for eleven years and half of the tests for twelve years, but none of the tests for thirteen years, his mental age is rated at eleven years.

The significance of the Binet-Simon scale lies in its comparison of physical age in years with a normal standard of mental development for that period of life. If the mental development of the child has just kept pace with the average mental development of a great many children as established by an experience table, it is said that the child's mental age coincides with his chronological age. If the child falls behind other children of the same age in years by one or two years in mental development, he is said to be mentally retarded; if by three years, he is feeble-minded. Similarly talent or exceptional ability is denoted by the child's ability to pass tests which ordinarily requires a more mature mental capacity.

The significance of the Binet-Simon test for the purpose of immigration lies in its application to adults. Feeble-minded adults are only children in mentality. For instance, idiots range in mental age according to the Binet-Simon test from one to three years,

imbeciles from three to seven years, and feeble-minded persons of the higher grade from seven to twelve years. The important distinction for the purpose of immigration is between the person of inferior mentality, who is incapable of further mental growth, and the person who has good, undeveloped natural capacities. It is when regarded from this standpoint that the importance of a graded mental scale becomes apparent. Inability on the part of an adult to pass the Binet-Simon tests for the mental age of twelve years and under indicates ineradicable mental defect. Once the critical stage is passed, however, and the mental age of fourteen years is safely reached, the mental age of the adult may be raised still further by training. The Binet-Simon test, in its improved American form, is capable of making the distinction between persons who can never rise above mental subnormality and the person who is of good natural endowment, but who may be deficient in training.

The Binet-Simon test, as finally perfected by practice, would enable our immigration officials to remove from our immigration not only the actually insane and feeble-minded aliens, but also the psychopathically inferior types. The function of the literacy test as an index of native ability would thereby be vacated. Similarly the aid of criminologists and sociologists could be enlisted to secure a more adequate enforcement of the laws excluding immigrants with criminal records. Expert attention should be especially directed toward the detection of potential criminal types. Certain kinds of criminals would be automatically eliminated by the mental tests, but other persons, who were likely to engage in illegal practices which require a large amount of skill or intelligence, would have to be dealt with in a different manner. The number of immigrants who tend to become paupers after their arrival would be greatly reduced by the application of the contract labor plan, which I shall discuss in the next section. Similarly other specific evils could and should be corrected by means which have for their purpose the elimination of that particular evil. If these different methods proposed by the Burnett bill for improving the quality of immigration were adopted, and if the proper co-ordination between them and the existing laws were secured, the field for the literacy

test as a selective measure would be vastly restricted. Only the man who was specifically undesirable because of his inability to read and write some foreign language would remain within its jurisdiction. Other bases of classification, which would cut across the classification of immigrants according to their ability to read, would stop dangerous and diseased elements at the source. The illiterate criminal would be barred along with the educated criminal; the ban would be placed on the mental defective who could read as well as on the moron who was illiterate; immorality and degeneracy would be sought out in their own natural guises by methods which were designed to combat them and which were adequate for the accomplishment of their purpose.

Stripped largely of its indirect selective virtues, the literacy test remains as a restrictive measure pure and simple, and that is probably its true function. Since the average illiterate immigrant is certainly not more desirable than the literate immigrant, and since it cannot positively be demonstrated that he is appreciably worse than the man who can read, we are compelled to assume that there is no conclusive qualitative difference between a man who can read and a man who cannot read in his native language. If there is little or no difference between the two classes, the effect of excluding the illiterate immigrant is simply to reduce the volume of immigration by the number of illiterates.

Before applying the literacy test as a restrictive measure, it is advisable to ascertain how much restriction of immigration is needed and how much restriction the literacy test will effect. The selective tests now in force restrict our total immigration only incidentally and in slight degree; but the adoption of the provision of the Burnett bill excluding persons who are psychopathically inferior will probably have a very pronounced tendency to reduce the volume of immigration. The number of aliens of the higher moron class, and the number of mentally inferior immigrants who have hitherto been allowed to enter this country under our narrow interpretation of "feeble-mindedness," is perhaps larger than is commonly supposed. The trial application of the Binet-Simon test in 1912 indicated that as high as 7 per cent of the immigration at that time was actually feeble-minded, while the general belief

before that trial was that only a very small fraction of 1 per cent of our immigration was mentally unfit. Similarly the adoption of improved methods for detecting alien criminals might lead to results equally as startling. The exclusion of vagrants, persons with chronic alcoholism, and Hindus will add a small quota to the restrictive effect of the other features of the Burnett bill. Although the amount of restriction which would be effected by the combined action of all of these selective agencies cannot be known in advance of their application, it is probable that our economic and social conditions demand in normal times a much greater rate of restriction. The literacy test will bring about a substantial reduction in the number of immigrants admitted to this country. If applied during the ten years from 1899 to 1909 it would have excluded at least 26.6 per cent of our total immigration. It may be pointed out that the literacy test would not impose this much additional restriction if the new selective features of the Burnett bill were adopted, because many of the illiterates would already be excluded as "psychopathically inferior" or as vagrants, etc. On the other hand, the fact that the figures for the decade 1899 to 1909 were based upon the admissions of the immigrants and not upon an actual application of the literacy test, supports the inference that since many immigrants would naturally represent themselves as literate when, in fact, they were illiterate, the percentage named is in fact too low. Assuming that the literacy test will thus in fact exclude a substantial percentage of our present immigration, the efficacy of the test in meeting the problems of restriction may be examined.

IV

The problem of restricting immigration is essentially different from the various problems which have just been discussed. The appropriate remedy is also different. Instead of qualities, we are now concerned with numbers and variable percentages. In the former case, the problem is to define and exclude every person who is undesirable; in the present case it is to exclude a certain percentage of those who have passed the quality tests because of the effect their presence will have on our standards and hence upon the

quality of our economic and social life. Granted that the immigrants seeking admission are of the "right kind," should all be allowed to enter? Of course the distinction between a qualitative and a quantitative problem is not so clear as this statement might imply. Sometimes a quantitative gain must be balanced against a qualitative loss, or vice versa. An immigrant slightly objectionable qualitatively might be allowed to enter this country if his numerical importance were very great, or an immigrant sound in every respect might be excluded if there were an imperative necessity for great restriction of the volume of immigration.

The purposes for which restriction of immigration is desired have been previously divided into two groups, the one economic, the other social. If it is our purpose to secure a homogeneous American type, without any regard to industrial needs, then, of course, restriction must either involve the qualitative aspects of race, willingness to take out citizenship papers, adaptability to American institutions, and kindred features, or it must be sufficiently stringent in amount to reduce the number to be assimilated within the limits of our capacity to assimilate them. Undoubtedly, such purposes must enter into the consideration of the statesmen who draft our immigration policy. But, without minimizing the importance of the social aspects of the problem, I propose to assume with Professors Jenks and Lauck that "the main problem at present is really fundamentally an industrial one, and should be principally considered in its economic aspects."¹ The conclusions reached should therefore be modified so as to effect the necessary compromise between the conflicting economic and social and political needs.

The restrictive plan offered by the pending Burnett Immigration bill is the literacy test. The shortcomings of the literacy test, as a method of securing an exact adjustment between the supply of immigrants admitted and the demand for laborers at the prevailing wage rates in this country, have already been pointed out.² It remains to consider a plan which will meet the difficulties that have been suggested.

¹ *The Immigration Problem*, 3d ed., pp. 210-11; cf. also Fairchild, *Immigration*, pp. 145, 341, 363.

² *Supra*, p. 452.

To regulate the flow of immigration in accordance with the fluctuations of the economic demand for labor in this country, a plan is necessary that would vary with the needs of our labor markets. The plan suggested by Professor H. P. Fairchild, at the meeting of the American Economic Association in Washington in 1911,¹ would go far toward accomplishing this result. He pointed out the absurdity of our present policy of allowing aliens to enter this country without any definite idea of where they were going and without any assurance of employment. In fact, by our contract-labor law we expressly forbid any persons, except professional men, to secure any definite promise of employment before they enter the country. The result of such a policy is that the immigrants find themselves thrown into the midst of our complex civilization without any direct prospect of support from their labor at a time when there may be a scant demand for labor. They may be compelled by their immediate needs to work for a wage which lowers American wages and forces Americans out of employment. The immigration law of 1907, strangely enough, in view of the attitude taken on contract labor, provides a bureau of information, whose duty it shall be to furnish immigrants with the proper information as to the state of our labor market after the immigrants have arrived, supposedly without any knowledge of our labor conditions. Such a measure is at best remedial; it cannot relieve a national oversupply of labor occasioned by an abnormal influx of immigrants at a time when few jobs are available for immigrants at American wages.

Our stand against contract labor has prevented any accurate adjustment of the supply of immigrant labor to the demand of our employers at a wage consistent with American standards of living. A large floating alien population in our cities, immigrant congestion in foreign colonies, the need of sanitary and tenement regulations on an elaborate scale, the special problems which overcrowding occasions, are at least partly due to allowing the immigrant to follow the path of least resistance immediately after his arrival in this country, without any regard for his permanent employment at American wages. It is significant to note that Canada, which

¹ *American Economic Review*, Supplement, Vol. II, No. 1 (March, 1912), pp. 53-62.

copied almost all of our immigration laws verbatim, scrupulously avoided the prohibition of contract labor. In fact, Canada has adopted the contrary policy. An immigrant coming to Canada without having first assured himself that some definite employment awaits him is on that account alone liable to be debarred from entering the Dominion.

The chief evil of the contract-labor system in the past lay in the fact that it enabled employers to bring laborers into this country at a very low rate of wages for the express purpose of breaking strikes or lowering the wages of Americans who were already employed. This evil, however, may be entirely prevented by requiring that every immigrant hired abroad should receive a wage that would at least equal the prevailing American wage for that particular kind of work at the particular place where he was to be employed.

The machinery by which this contract-labor plan would be put into operation would be no more complicated than the nature of the immigration problem requires. In the very first place, the possession of a contract of employment, providing for a wage that in the opinion of the Department of Labor would not threaten to lower American rates of pay in the kind of work in which the immigrant was seeking employment, would be an indispensable requirement of admission to this country. The effect of this would be to exclude from the United States all immigrants for whom there was no economic demand anywhere in this country, and to admit all for whom there was economic demand. Such a plan might appeal to restrictionists and anti-restrictionists alike; for to the man who says that restriction of immigration is necessary because there are not enough jobs to go around it would guarantee restriction, and to the man who says there is employment for millions more, it would guarantee an open-door policy. In other words, it shifts the burden of proof as to the need of restriction upon the man who asserts either the need or the lack of need of restriction of numbers.

To carry the contract-labor policy into effect, an extended system of domestic labor exchanges and consular agencies abroad would be required, for manifestly, in the absence of a medium of

distribution in this country and offices abroad for the purpose of selecting and making contracts with the immigrants, the employers could neither communicate effectively with aliens abroad nor be sure of receiving the laborers for whom they had contracted. The chief administrative features of this system might be described as follows: Employers in the United States, who wanted labor, would apply to local employment boards. Their applications would be sent to a federal employment bureau, which would satisfy itself that the labor was not wanted to break a strike or to lower wages. If the demand appeared to be legitimate, then the federal board would send notices to employment agencies throughout the country, in order to give preference first to our own unemployed. If there were no unemployed here, then the federal board would authorize our consular agents abroad to select and make contracts with the required number of immigrants. The work of this system would not stop with the making of contracts; it would employ the machinery of the state and federal boards through which the immigrant was hired to see that he actually reached his job and received permanent employment.

The perfection of a plan such as the one suggested would involve a distinctively constructive element in our immigration program. Although some steps have already been taken to provide for a beneficial distribution of immigrants by means of a Division of Information in the Bureau of Immigration, the proposed contract plan would mark a decided change from our policy toward immigrants in the past as well as from the policy which is embodied in the Burnett Immigration bill. Hitherto, the nation has avoided all responsibility for the immigrant after the entrance conditions have been established. The literacy test is in keeping with our traditional policy; it proposes a password at the gate and then abandons the immigrant to the vortex of our civilization. The time has come for recognizing an obligation to protect the immigrant, and also to solve our own problems of immigrant congestion and lack of assimilation. In short, we should regard the immigrant as the ward of the nation. The United States should have personal jurisdiction over the immigrant for a limited period after his arrival, until he gets a start and the right kind of start in his new life. It

may be urged that this would impose an enormous burden on the federal government, and so it would if immigrants continue to be admitted at the normal rate of over one million a year. But immigration conditions have come to such a pass in this country that we must limit the number of immigrants to the number we can care for well. Otherwise immigration will destroy the unity of our national life and divide us finally into several distinct ethnic if not national groups.

The chief objection against the contract-labor plan is the familiar bugbear of impracticability. In answer it may be said that the principle is being tested now in Canada without the provision for controlling wages, and that with this provision it would be preferable to the evils of the padrone system in this country, which secretly and illegally accomplishes the same purpose that the contract plan is devised to accomplish openly and legally, with all the safeguards of public inspection.

V

The proposal to regulate the inflow of immigrants and to provide better opportunities in this country for that smaller number is much in accord with an attitude that has recently been manifested in this country, finding expression in the columns of the *New Republic* and in the writings of Frances Kellor. The new attitude is prompted by a conviction that our immigration program should neither begin nor end at Ellis Island, that it should begin with emigration conditions in Europe and end with the final assimilation of the immigrant in this country. It is an attitude that is prompted by constant knowledge of the many and varied ways of exploiting immigrants, of the failures of immigrant banks, of the power of political machines based on the control of untutored immigrants, of the indifference of immigrants toward taking out citizenship papers that is evidenced in the lack of assimilation and the problem of the hyphenated American.

It is to be regretted that the Burnett Immigration bill does not contain more elements of a distinctly constructive character. Too much emphasis has hitherto been placed upon the prescribing of conditions upon which an immigrant may enter the United States;

too little attention has been given to the conditions in this country with which the immigrant is brought into contact after his arrival. The contention which is now gaining a hearing urges that it is the native American as well as the immigrant who is responsible for the unfortunate failure of the better elements of our national life to impress themselves upon the alien; that it is our duty to teach the alien as well as his duty to learn; and that we are at fault for supposing that mere superficial contact with our civilization, and often with the worst phases of our civilization, will make good American citizens out of aliens. It insists that we must look to the character of our melting-pot as well as to the materials that are put into it. To support this new policy the Burnett bill makes little positive contribution.

Indeed, the adoption of the Burnett bill might retard the legislative progress of a constructive immigration program. The passing of the pending bill will probably satisfy the demand of Congress for immigration legislation, and after the attention of our legislators is diverted to other matters the problems connected with the treatment of the immigrant in this country may remain for some time entirely neglected. If the features of the Burnett bill operate even partially and with only fair success, it will be hard to convince Congress or the nation that some other measure would do the work better.

In considering the advisability of an immediate adoption of the literacy test and the other features of the Burnett bill, we must, however, take into account, not only the ideal requirements of a constructive immigration program, but also the political possibility of securing a better immigration program than the Burnett bill in time to meet the demands of the present situation. However wise the provisions of the contract labor plan may be, there is little likelihood that they will be adopted by Congress during the present or the next session. Before the features of the contract plan impress themselves upon the legislative mind, the European war will probably be over, and either the normal rate of immigration will again have asserted itself or a new and unexpected state of affairs will have been revealed. When it is considered that the literacy test

which was vetoed in 1913 could not again be brought before Congress in the normal course of business until the present year, it will readily be seen that it is now none too soon to provide for contingencies that may arise after the war. Since the Burnett bill with its literacy test and other features is the only immigration bill that Congress is now ready to accept, the practical upshot of the matter is that the country is called upon to choose between the literacy test combined with the other features of the Burnett bill and no immigration legislation at all. Since the debate centers around the literacy test, the most important question confronting us as American citizens is whether we propose to adopt the literacy test as a method of reducing a volume of immigration that may conceivably be very large, or take a chance on the possibility that the European war will relieve us of the consequences of our inaction, or that without any action on our part a fortunate combination of circumstances after the war will reduce the normal flow of European immigration.

Do the contingencies which threaten to arise after the signing of a treaty of peace in Europe warrant the adoption of any method of restriction? The authorities are not agreed as to what will be the state of immigration after the war. Some, like the editor of the *New Republic*, hold that the lessened economic opportunity in Europe which is bound to result from the present rate of destruction of national resources, the enormous burden of war taxes, the grief and disillusionment of the common people in the victorious as well as the vanquished nations, will combine to produce an unprecedented tide of emigration from Europe to America. Others, like Former Senator Theodore E. Burton, assert that the European governments which have already taken such strenuous measures to increase the numbers of their future citizens will not hesitate to prevent the escape of their adult population by placing an embargo on emigration, and also that the very sources of emigration will be exhausted by the toll of death and injuries, so that the net effect of the war will be to make the present abnormally low rate of immigration permanent. Still other authorities, who admit the possibility of a resumption of the normal flow of immigration, doubt the efficacy of the literacy test as a restrictive measure.

because of the growth of compulsory education in Europe, which had made considerable progress before the war. But in order to decide in favor of some method of restriction it is not necessary to be absolutely certain as to which of these opposite predictions will be verified by the facts. If there is only a reasonable prospect of an increase of immigration after the war, some method of restriction should be adopted. The rate of increase of immigration for the past decade was far in excess of the rate of increase of the demand for labor in our industries, and it was far in excess of our capacity to assimilate and make good American citizens out of the aliens who are even advantageously employed industrially. If there is any doubt as to what will happen in the future, that doubt should be resolved against the person who asserts that the unusual and abnormal thing will happen, namely, that European immigration will not continue in the future in its accustomed volume. In view of the excessive rate of immigration in past years, it would be far better to err in the future by providing for some restriction when no restriction was needed, than to fail to provide for restriction of immigration when restriction was needed. It would be wise to insure against the possibility of a recurrence in the future of the same rate of immigration that obtained before the war by adopting some restrictive measure now.

The literacy test will probably be effective as a method of restricting post-war immigration. The war will undoubtedly have a tendency to set back the slow growth of compulsory education in Southeastern Europe for many years. The sacrificing of the needs of all other governmental functions to the supreme necessities of the war and the lessened educational opportunities that will come to orphan children will probably combine to make the number of European illiterates in the future at least as large, if not larger than the number in the past.

As long as illiteracy is a marked characteristic of any large element of European immigration, the literacy test will have a pronounced restrictive effect. It is true that the amount of restriction it secures will have no reference to the fluctuations in our economic demand for labor; and that it will have no necessary connection with the needs or lack of needs of our labor market. It

will, however, substantially reduce the volume of immigration and thereby relieve the pressure of too great numbers upon our economic standards and social institutions. This in itself will be a service of considerable value. The coming of so many immigrants within the last decade or so has made any restrictive measure welcome, even if it does not work with absolute precision in securing a correspondence between the supply of immigrant wage-earners and the demand of our employers for their labor. The literacy test will check the undoubted detrimental effect of the pronounced tendency of our alien population to grow faster than the opportunities for its employment at American standards of wages and its assimilation at American standards of culture. Even if it does not debar as many as our economic needs of restriction require, it will be better than no restriction at all. If it excludes so large a number that our employers are unable to get enough laborers at the prevailing rates of wages to satisfy their demands, the literacy test will operate to afford higher pay and better opportunity for the diminished number of immigrants that are allowed to enter, so that the ultimate effect will always be some improvement in the quality of our economic life at the expense of quantity. It is also possible that too much restriction in the future may compensate for too little restriction in the past.

The literacy test has much to recommend it from an administrative standpoint; it has all the requisites of a method that could quickly be put into operation, its administration would present no unusual difficulties, and it makes no invidious distinctions between nationalities that might involve us in international complications. Moreover, the literacy test has the advantage over any new method of restriction that its probable consequences have been studied for a long time and perhaps diagnosed with a fair degree of accuracy.

The Burnett Immigration bill as a whole stands on stronger grounds than the literacy-test provision alone. There can be little doubt as to the value and political good sense of the selective features of the bill. The additions to the classes excluded at present have conformed to the desires of experts and to the problems which have recently developed. Against an immigration bill that contains selective features that are unquestionably beneficial and a

literacy test that is at the worst not positively harmful, it is not fair to put too much stress on the fact that it does not accomplish everything that is needed in the field of immigration control. If it improves or makes needed additions to the admission requirements now in force, it is probably worthy of adoption, though it is silent as to the need of a domestic immigration policy, and even though it falls short of complete perfection in setting up standards at Ellis Island for the selection and restriction of immigration. Judged by its selective features the Burnett Immigration bill is a cautious advance in the field of immigration legislation. While it does not go so far as conceivably might be possible, its enactment would mark a decided step in the direction of some of the needs of an ideal immigration policy. Judged by its restrictive provision, the bill is an acceptable emergency measure.

The successful end of the long campaign for the literacy test should not, however, cause us to abandon our attempts to secure a constructive immigration program, which would be better suited to our national needs than a policy which stops with the requirement of literacy.

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